THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3438 of 2005

Dated:21.12.2006

BETWEEN:

Makkena Chandramouli, and another.

… Petitioner

and

The Mandal Revenue Officer.

… Respondent

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3438 of 2005

ORDER:

The petitioners herein purchased land admeasuring Acs.2.29 cents in Survey Nos.506/1A2 and 506/1A3 situated at Mahadevapuram Village of Kandukur Mandal in Prakasam District. The petitioners allege that their vendors, Venkataramanamma and Jaya Lakshmi, inherited the property from their mother, Pulipati Venkamma, who in turn purchased the property from Kodati Jalaiah, under registered sale deeds. Be that as it is, the petitioners allege that before purchasing the property they made enquiries with the respondent, who issued a certificate dated 12.10.2004 to the effect that the land is not assigned land. It is alleged that the respondent erected a Board near the land claiming it to be Government land. The petitioners have produced the certificate dated 12.10.2004 issued by the respondent, in vain. The petitioners apprehend that without due process of law, they would be dispossessed by coercive action. They therefore, seek a writ of mandamus directing the respondent not to dispossess them from the subject land without following due process as contemplated under the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act') and the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 1977 (for short 'the Rules').

This Court ordered *status quo,* and subsequently admitted the Writ Petition. The respondent has now moved this Court by filing W.V.M.P.No.2153 of 2005. As a short point in involved, the matter is heard finally, and is being disposed of at the interlocutory stage.

It is the case of the respondent that the land admeasuring Ac.1.91 cents in Survey Nos.506/1A2 and 506/1A3 is a Government land. The same was assigned to Katta Mastan and Kodati Jalaiah in 1982 for agriculture. The assignees cultivated the same for some time, but they sold the land to Pulipati Venkamma under registered Document Nos.518/1984, 347/1995 and 1893/1997. After the death of Venkamma her two daughters inherited the property and sold the same under registered document dated 23.10.2004 to the petitioners. The allegation that the Mandal Revenue Officer issued certificate on 12.07.2004 is denied asserting that the Mandal Revenue Officer working in July 2004 was different and the present Mandal Revenue Officer has taken charge on 19.07.2004. It is further alleged that the Writ Petition is filed on a mere apprehension and even before action is contemplated under the Act and the Rules.

The petitioners have not filed any reply affidavit denying the counter averments.

As rightly pointed out by the learned Assistant Government Pleader, the Writ Petition is filed on a mere apprehension. Learned Counsel for the petitioners and the learned Assistant Government Pleader do not dispute that even if the assigned land is alienated by assignee, the same cannot be resumed unless appropriate action is taken in accordance with Section 4 of the Act read with Rule 3 of the Rules. As this stage is not yet contemplated, the Writ Petition must be held to have been filed on apprehension.

Therefore, observing that as and when the land is to be resumed from the petitioners, respondent shall take necessary action in accordance with the Act and the Rules as observed hereinabove, the Writ Petition is dismissed. No costs.

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(V.V.S.RAO, J)

21.12.2006
vs